

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 24, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 8, 2013

## **SENATE BILL**

**No. 459**

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### **Introduced by Senator Pavley**

February 21, 2013

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An act to add Section 44127 to the Health and Safety Code, relating to vehicular air pollution.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 459, as amended, Pavley. Vehicle retirement: low-income motor vehicle owners.

Existing law creates an enhanced fleet modernization program for the retirement of high polluting vehicles to be administered by the Bureau of Automotive Repair pursuant to guidelines adopted by the State Air Resources Board.

~~This bill would require the state board, in collaboration with the bureau and air pollution control and air quality management districts, to engage in a one-year multilingual outreach campaign in areas designated as federal nonattainment focusing on low-income vehicle owners to increase the utilization of the vehicle replacement component of the enhanced fleet modernization program and to understand the barriers to participation in the enhanced fleet modernization program, as specified. The bill would require the moneys necessary to implement the one-year multilingual outreach campaign to be transferred, upon~~

appropriation by the Legislature, from the Vehicle Inspection and Repair Fund to the High Polluter Repair or Removal Account. The bill would require the state board, within 2 years of a specified appropriation, to provide a specified assessment to the Legislature of both the one-year multilingual outreach campaign and the enhanced fleet modernization program. The bill would require the state board, *in consultation with the bureau and no later than January 1, 2015*, to update the guidelines for the enhanced fleet modernization program to include specified elements *and to study and consider specified elements*. The bill would make various findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that the State  
2 Air Resources Board should take all the steps necessary to improve  
3 the ~~Enhanced Fleet Modernization Program~~ *enhanced fleet*  
4 *modernization program* (Article 11 (commencing with Section  
5 44125) of Chapter 5 of Part 5 of Division 26 of the Health and  
6 Safety Code) to increase the benefits of the program for  
7 low-income California residents, as defined in Section 44062.1 of  
8 the Health and Safety Code, promote cleaner replacement vehicles,  
9 and ~~reduce the number of end-of-life vehicles that enter~~ *enhance*  
10 *emissions reductions gained by* the program.

11 SEC. 2. Section 44127 is added to the Health and Safety Code,  
12 to read:

13 44127. (a) (1) ~~The state board, in collaboration with the~~  
14 ~~Bureau of Automotive Repair and districts, shall engage in a~~  
15 ~~one-year multilingual outreach campaign in areas designated as~~  
16 ~~federal nonattainment focusing on low-income vehicle owners to~~  
17 ~~increase the utilization of the vehicle replacement component of~~  
18 ~~the program established pursuant to Section 44125 and to~~  
19 ~~understand the barriers to participation in the program established~~  
20 ~~pursuant to Section 44125.~~

21 (2) ~~The state board shall include in the one-year multilingual~~  
22 ~~outreach campaign established pursuant to this subdivision a~~  
23 ~~community-based outreach effort. The state board shall contract~~  
24 ~~with a district or grass roots community network to implement the~~  
25 ~~community-based outreach effort. For purposes of this section, a~~

1 ~~grass roots community network means local opinion leaders,~~  
2 ~~community nonprofits, churches, the PTA, automobile dealerships,~~  
3 ~~and the workplace.~~

4 ~~(3) Moneys necessary to implement this subdivision shall be~~  
5 ~~transferred, upon appropriation by the Legislature, from the Vehicle~~  
6 ~~Inspection and Repair Fund, established pursuant to Section 9886~~  
7 ~~of the Business and Professions Code, to the High Polluter Repair~~  
8 ~~or Removal Account, established pursuant to subdivision (a) of~~  
9 ~~Section 44091.~~

10 ~~(4) (A) Notwithstanding Section 10231.5 of the Government~~  
11 ~~Code, no later than two years after an appropriation by the~~  
12 ~~Legislature pursuant to paragraph (3), the state board shall provide~~  
13 ~~an assessment to the Legislature of the costs and short-term~~  
14 ~~emissions-reduction benefits of the one-year multilingual outreach~~  
15 ~~campaign and the program established pursuant to Section 44125,~~  
16 ~~including all of the following:~~

17 ~~(i) Measurement of the emissions reductions gained by the~~  
18 ~~vehicle replacement incentives.~~

19 ~~(ii) Number of replacement vehicle vouchers used.~~

20 ~~(iii) Year, make, model, and cost of the replacement vehicles.~~

21 ~~(B) A report submitted pursuant to this paragraph shall be~~  
22 ~~submitted in compliance with Section 9795 of the Government~~  
23 ~~Code.~~

24 ~~(b)~~

25 ~~44127. (a) No later than January 1, 2015, the state board, in~~  
26 ~~consultation with the Bureau of Automotive Repair, bureau, shall~~  
27 ~~update the program established pursuant to Section 44125. The~~  
28 ~~program shall continue to be administered by the Bureau of~~  
29 ~~Automotive Repair bureau pursuant to guidelines updated and~~  
30 ~~adopted by the state board.~~

31 ~~(c)~~

32 ~~(b) The updated guidelines shall supplement Section 44125 to~~  
33 ~~include all of the following elements:~~

34 ~~(1) Provisions that coordinate the implementation of the vehicle~~  
35 ~~retirement and replacement components of the program established~~  
36 ~~pursuant to Section 44125 with the vehicle retirement component~~  
37 ~~of the Bureau of Automotive Repair bureau's Consumer Assistance~~  
38 ~~Program established pursuant to other provisions of this chapter~~  
39 ~~to maximize participation by persons eligible under components~~  
40 ~~of both programs. ensure vehicle owners participate in the~~

1 *appropriate program to maximize emissions reductions and*  
2 *participation in the vehicle replacement component of the program*  
3 *established pursuant to Section 44125.*

4 (2) Streamlined administration to simplify participation while  
5 protecting the accountability of moneys spent.

6 (3) Increased emphasis on the replacement of high polluters  
7 with cleaner vehicles or the increased use of public transit that  
8 results in increased utilization of the vehicle replacement  
9 component of the program established pursuant to Section 44125.

10 (4) Increased emphasis on the reduction of greenhouse gas  
11 emissions through increased vehicle *efficiency* or transit ~~efficiency~~  
12 *use* as a result of the program established pursuant to Section  
13 44125.

14 (5) *Specific steps to ensure the vehicle replacement component*  
15 *of the program established pursuant to Section 44125 is available*  
16 *in areas designated as federal extreme nonattainment.*

17 (6) *A requirement that vehicles eligible for retirement are*  
18 *driveable.*

19 (7) *Increased partnerships and outreach with local opinion*  
20 *leaders, community nonprofits, churches, the PTA, automobile*  
21 *dealerships, auto loan institutions, licensed auto dismantlers, and*  
22 *employers.*

23 (c) *When updating the guidelines to supplement Section 44125,*  
24 *the state board shall study and consider all the following elements:*

25 ~~(5)~~

26 (1) ~~Methods of financial assistance other than vouchers are~~  
27 ~~studied and considered. vouchers.~~

28 ~~(6) Specific steps to ensure the vehicle replacement component~~  
29 ~~of the program is available in areas designated as federal extreme~~  
30 ~~nonattainment.~~

31 ~~(7) A requirement that vehicles eligible for retirement are~~  
32 ~~driveable.~~

33 ~~(8)~~

34 (2) An option for automobile dealerships or other used car sellers  
35 to accept cars for retirement provided the cars are dismantled  
36 consistent with the requirements of the program established  
37 pursuant to Section 44125.

38 ~~(9) Increased partnerships and outreach with grass roots~~  
39 ~~community networks, including local opinion leaders, community~~

1 nonprofits, churches, the PTA, automobile dealerships, auto loan  
2 institutions, and employers.  
3 ~~(10) Increased consideration of an~~  
4 (3) *An* incentive structure with varied incentive amounts to  
5 maximize program participation and cost-effective emissions  
6 reductions.

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